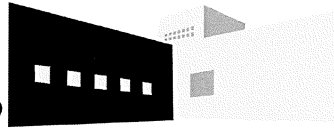


NEW MEXICO

State Records Center and Archives

COMMISSION OF PUBLIC RECORDS

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**MINUTES OF THE STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING VIRTUALLY VIA ZOOM –NOVEMBER 30, 2021  
1205 Camino Carlos Rey, Santa Fe, NM 87505**

**Members Present**

Brian Colón, Esq.  
John Garcia  
Stephanie Wilson  
Peter Ives  
Dylan Lange, Esq.  
Malaquias (J. R.) Rael

Chairman and State Auditor  
General Services Department  
Interim Director, Supreme Court Law Library  
Department of Cultural Affairs, Designee  
Secretary of the State, Designee  
Office of the Attorney General, Designee

**Staff Present**

Rick Hendricks, Ph.D.  
Georgette L. Chávez  
Leo Lucero  
Ruben Rivera  
Robert Wise  
Samantha J. Fenrow, Esq.  
John Kreienkamp, Esq.

State Records Administrator  
Deputy State Records Administrator  
Records Management Division  
Chief Information Officer  
Information Technology Management Division  
Legal Counsel  
Counsel to Commission, Office of the Attorney General

**Public Present**

Martha Huerque  
Rose Romero  
Diana Sandoval  
Albdcyp  
Sabrina  
Julie Filatoff  
Cheri Lujan  
Cynthia Archuleta  
Roberta White  
Amanda Frazier  
Elias Pareds  
Reina Espinosa  
Antoinette Cheye  
Tori Bergquist  
Chris Mechels  
5058270447 (CYFD)  
Odette DesGeorges  
Crystal Lawrence

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**Hon. Hector Balderas**  
*Attorney General*

**Debra Garcia y Griego**  
*Department of Cultural Affairs*

**Hon. Brian S. Colón**  
*Chairman/State Auditor*

**Stephanie Wilson**  
*Acting Director, Supreme Court Law Library*

**Hon. Maggie Toulouse Oliver**  
*Secretary of State*

**John Garcia**  
*Acting Cabinet Secretary, GSD*

Katherine Chavez  
Cynthia Gustafon  
Linda Vigil  
RS Chavez  
Amanda Francia  
Robert Moreno  
Elizabeth Jeffries

## **I. OPENING ACTIVITIES**

### **A. Call to Order**

Chairman Colón called the meeting to order at 10:00 a.m. and conducted a roll call of the commissioners.

### **B. Approval of the Agenda**

Chairman Colón entertained a **MOTION** to approve the agenda as is and noted that he would be open to receiving public comment at the front end of the agenda. Mr. Ives **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

### **C. Approval of the Minutes of the August 31, 2021, Regular Commission Meeting.**

Chairman Colón entertained a **MOTION** to approve as amended. Ms. Wilson **MOVED**. Mr. Ives **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote with abstentions by Mr. Garcia and Mr. Ives, who were not present at the August 31, 2021, meeting.

Chairman Colón called for public comment and noted that public comment would also be welcome at the end per the agenda.

No comments from the public were received.

Chairman Colón welcomed the Chief Administrative Officer for the State of New Mexico Attorney General Office, Mr. Malaquias (J. R.) Rael and the Honorable Secretary Mr. John Garcia to the commission.

## **II. ACTION ITEMS**

### **A. Revision of the FY22 Open Meetings Act Resolution**

Chairman Colón stated that at the last meeting there was some conversation regarding compliance with the Open Meetings Act. The Chairman asked Mr. Kreienkamp to give an overview.

Mr. Kreienkamp stated that the purpose of this agenda item is for amending the commission's annual OMA Resolution. He stated that we are recommending a modification to the current resolution with respect to the way the commission holds virtual meetings, by simplifying the relevant language and by providing clarity regarding posting of documents online.

Chairman Colón entertained a **MOTION** to adopt the [revision] the FY22 Open Meetings Act Mr. Lange **MOVED**. Ms. Wilson **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote.

### **III. DIRECTORS REPORT**

Deputy Chávez reported on agency vacancies and on the agency budget. She stated that on October 22, 2021, Southwest Accounting Solutions conducted the agency's exit conference for the FY21 audit. In attendance was Brian Colón, Chairman of the Commission of Public Records; Dr. Rick Hendricks, State Records Administrator; Georgette L. Chávez, Deputy State Records Administrator; and Ruben Rivera, Chief Financial Officer. The audit was completed and was submitted to the Office of the State Auditor without any findings for the fifth consecutive year.

### **IV. PUBLIC COMMENT**

Mr. Chris Mechels expressed his disappointment with the revised OMA Resolution, objecting to the removal of Section 10 and stating his concern that documents would no longer be available to the public before commission meetings. He remarked that the Regulation and Licensing Department and the Economic Development Department were not following the State Rules Act with respect to rulemaking and that the State Records Center and Archives (SRCA) should provide more support to agencies and examine filings to ensure compliance with the Act.

Chairman Colón stated that we will continue to provide available documents when we notice a meeting. He explained that it is not our role to provide oversight regarding compliance with the State Rules Act.

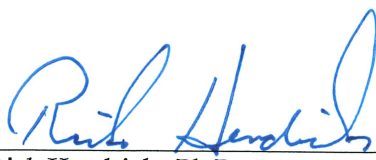
Mr. Kreienkamp stated that the Attorney General's Office has recently issued an opinion that reinforced what the Attorney General's Office had opined in the 1970s that neither the commission nor SRCA has authority to enforce certain requirements in the State Rules Act, such as publication of rulemaking materials on the Sunshine Portal.

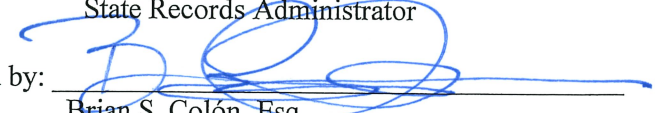
### **V. SCHEDULING OF NEXT MEETING**

Chairman Colón stated that the next meeting was scheduled for February 22, 2022.

### **VI. ADJOURNMENT**

Chairman Colón entertained a **MOTION** to adjourn. Mr. Rael **MOVED** Mr. Ives **SECONDED**. The motion **PASSED UNANIMOUSLY** by roll call vote. Meeting was adjourned at 10:40 a.m.

Submitted by:  2/22/2022  
Rick Hendricks Ph.D. Date  
State Records Administrator

Attested by:  2/25/2022  
Brian S. Colón, Esq. Date  
Commission Chair

Minutes approved on: 2/22/2022